

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 CIAE-00 DODE-00 PM-04 H-01  
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
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FM AMEMBASSY MADRID  
TO SECSTATE WASHDC PRIORITY 8419  
INFO AMEMBASSY BONN  
AMEMBASSY BRUSSELS  
AMEMBASSY COPENHAGEN  
AMEMBASSY THE HAGUE  
AMEMBASSY LISBON  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY OSLO  
AMEMBASSY PARIS  
AMEMBASSY ROME  
AMEMBASSY STOCKHOLM  
USMISSION NATO  
USMISSION EC BRUSSELS

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E.O. 11652: N/A  
TAGS: PINT, SP  
SUBJECT: CARRILLO CHARGED WITH ILLEGAL ASSOCIATION

REF: MADRID 9649 (NOTAL)

1. PCE SEC GEN SANTIAGO CARRILLO AND THE 7 OTHER PCE LEADERS  
DETAINED AT THE SAME TIME HAVE BEEN CHARGED BY THE PUBLIC  
ORDER TRIBUNAL WITH THE CRIME OF "ILLEGAL ASSOCIATION," FOR  
WHICH EACH OF THEM COULD BE JAILED FOR UP TO 6 YEARS AND FINED  
UP TO 200,000 PESETAS IF FOUND GUILTY. UNDER THE PROVISIONS  
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OF ART. 172, SEC. 5 OF THE SPANISH PENAL CODE (REVISED), THOSE  
POLITICAL ASSOCIATIONS WHICH "ARE UNDER INTERNATIONAL  
DISCIPLINE AND WHICH ADVOCATE A TOTALITARIAN SYSTEM" ARE  
ILLEGAL. (THIS WAS THE PROVISION INSERTED DURING LAST SUMMER'S  
PENAL CODE REVISION TO APPLY TO THE PCE.)

2. DEFENSE LAWYERS FOR THE 8 DETAINEES, INCLUDING CHRISTIAN DEMOCRATIC LEADER JOAQUIN RUIZ GIMENEZ WHO HEADS UP CARRILLO'S DEFENSE TEAM, ARE TODAY APPEALING THE CHARGE OF ILLEGAL ASSOCIATION AND REPORTEDLY WILL SEEK TO HAVE CARRILLO AND THE OTHERS RELEASED ON "PROVISIONAL LIBERTY." THIS APPEAL WILL RAISE, APPARENTLY FOR THE FIRST TIME IN A COURT OF LAW, THE ISSUE OF WHETHER THE PCE DOES INDEED FALL WITHIN THE PROVISIONS OF ART. 172, SEC. 5. (THE PCE AND ALL OF THE TRADITIONAL POLITICAL OPPOSITION, OF COURSE, INSIST THAT IT DOES NOT.)

3. CARRILLO REMAINS IN CARABANCHEL PRISON, WHERE HE IS LODGED IN THE HOSPITAL WARD AS A "GESTURE OF CONSIDERATION." ALSO IN CARABANCHEL ARE 6 OF THE OTHER 7 DETAINED PCE LEADERS: SANTIAGO ALVAREZ, MANUEL AZCARATE, SIMON SANCHEZ MONTERO, JAIME BALLESTEROS, JULIO ARISTIZABAL, AND VICTORIANO DIAZ CARDIEL. THE 7TH, DISTAFF PCE LEADER PILAR BRAVO, IS IMPRISONED SEPARATELY AT NEARBY YESERIAS PRISON. THE FAMILIES OF ALL 8 PRISONERS REPORTEDLY WERE ALLOWED TO VISIT THEM ON CHRISTMAS DAY.

4. CRITICISMS OF THE GOVT'S ACTION HAVE WOULD DOWN SOMEWHAT AS POLITICAL OBSERVERS AND ACTORS ALIKE NOW AWAIT THE DECISION OF THE COURT AND DEMONSTRATIONS HAVE SUBSIDED AS THE RESULT OF THE HOLIDAYS. INTERESTINGLY, A PCE DELEGATION HEADED BY RAMON TAMAMES REPORTEDLY VISITED THE MINISTRY OF THE PRESIDENCY ON DEC 23 TO DELIVER TO A SUAREZ AIDE A LETTER PROTESTING CARRILLO'S INCARCERATION. RESPECTED COLUMNIST LUIS APOSTUA POINT OUT IN "YA" THAT THE TREATMENT ALREADY ACCORDED CATALAN COMMUNIST (PSUC) LEADER GREGORIO LOPEZ RAIMUNDO COULD BE THE PRECEDENT FOR OVERCOMING THE POLITICAL/LEGAL PROBLEMS LIMITED OFFICIAL USE

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ENGENDERED BY CARRILLO'S ARREST. LOPEZ RAIMUNDO WAS ARRESTED, CHARGED WITH ILLEGAL ASSOCIATION, AND RELEASED ON BAIL TO AWAIT A TRIAL WHICH COULD BE YEARS IN THE WORKS. IN THE MEANTIME, HE IS QUITE OPENLY INVOLVED IN CATALAN POLITICS. STABLER

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NNN

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